

**REMARKS**

**INTRODUCTION:**

In accordance with the foregoing, claims 1, 2, and 8 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-27 are pending and under consideration.

In the Office Action, at page 11, the Examiner indicated that claims 4, 10, 11, 14, 18, and 20 would be allowable if rewritten in independent form. Applicants hold rewriting of these claims in abeyance until the Examiner has had the opportunity to review the arguments presented herein.

**AMENDMENT TO THE DRAWINGS:**

Applicants respectfully submit that the modification of FIG. 4 does not represent new matter, since such a description can be found in the Specification, for example, at paragraph [0040].

**DOUBLE PATENTING REJECTION:**

In the Office Action, at page 2, the Examiner rejected claims 1 and 23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, and 4 of Seo et al. (U.S. Patent No. 6,731,586 – hereinafter Seo).

Applicants respectfully submit that the Terminal Disclaimer submitted concurrently herewith overcomes the Examiner's double patenting rejection.

**REJECTION UNDER 35 U.S.C. §102:**

In the Office Action, at page 3, the Examiner rejected claims 1-3 and 7-9 under 35 U.S.C. §102(e) as being anticipated by Nagano (U.S. Patent No. 6,222,815 – hereinafter Nagano). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Amended, independent claim 1 recites: "...comparing the sampled current power value with the basic power value, the basic power value being a target value based upon a type of a medium that is to receive the output of the laser diode...."

And amended, independent claim 2 recites: "...a basic register unit storing a basic power value, the basic power value being a target value based upon a type of a medium that is to receive the output of the laser diode...."

Nagano recites: "[e]ach signal value or level S4 sampled and held by the sample and hold circuit 5 is passed to one input of a comparator circuit 7. Output S5 from a low-pass filter (LPF) 8, which functions to average the sampled and held signal values, is given to the other input of the comparator circuit as a reference level." (Nagano, col. 3, line 65 – col. 4, line 1).

Thus, the reference level of Nagano, which the Examiner asserts to be comparable to the basic power value of the subject application, is an average of the levels S4 sampled and held by the sample and hold circuit 5, and is not related to a target value based upon a type of a disk 1 that is to receive the output of a laser diode.

Accordingly, Applicants respectfully submit that Nagano neither discloses nor suggests "...comparing the sampled current power value with the basic power value, the basic power value being a target value based upon a type of a medium that is to receive the output of the laser diode...." Further, Nagano neither discloses nor suggests "...a basic register unit storing a basic power value, the basic power value being a target value based upon a type of a medium that is to receive the output of the laser diode...."

In the Office Action, at page 5, the Examiner rejected claims 1-3, 5-9, 12, 13, 15-17, 19, and 21-27 under 35 U.S.C. §102(e) as being anticipated by Seo (as noted above, U.S. Patent No. 6,731,586). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

35 U.S.C. §102(e) recites: "[a] person shall be entitled to a patent unless (e) The [1] invention was described in

(1) an application for patent, published under section 122 (b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effect under this subsection of a national application published under section 122 (b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this

subsection based on the filing of an international application filed under the treaty defined in section 351 (a)....”

Initially, Seo has a U.S. filing date (35 U.S.C. §102(e) date) of March 6, 2001. The Examiner has acknowledged the claim in the subject application, of the benefit of Korean Application No. 2001-7845 filed on February 16, 2001, in the Korean Intellectual Property Office, a verified translation of which is submitted concurrently herewith in an IDS.

Since February 16, 2001 is prior to March 6, 2001, Applicants respectfully submit that Seo is not a valid reference under 35 U.S.C. §102(e).

Further, Applicants respectfully submit that the inventors of U.S. Patent No. 6,731,586, Jin gyo Seo and Kyoung-bog Jin, are the same individuals as the inventors Jin gyo Seo and Kyoung-bog Jin, respectively, of the subject application.

Accordingly, Applicants respectfully submit that Seo (U.S. Patent No. 6,731,586) is not “a patent granted on an application for patent by another in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351 (a)....”

Thus, Applicants respectfully submit that independent claims 1, 2, 23, and 25 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons.

Further, Applicants respectfully submit that claims 3-22, 24, 26, and 27, which ultimately depend from one of independent claims 1, 2, 23, and 25, should be allowable for at least the same reasons as claims 1, 2, 23, and 25, as well as for the additional features recited therein.

#### CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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**AMENDMENTS TO THE DRAWINGS:**

The attached drawing includes changes to FIG.4. The sheet containing FIG. 4 replaces the original sheet including FIG. 4. In FIG. 4, a solid line arrow has been added from the NRZI Detector 322 to the Pulse Generator 320, to represent the flow of data. This change does not represent new matter, since such a description can be found in the Specification, for example, at paragraph [0040].

FIG. 4

